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MARINE ENVIRONMENT PROTECTION
COMMITTEE

45th session
Agenda item 10

MEPC 45/10/2
22 June 2000
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WORK OF OTHER BODIES

Outcome of MSC 72

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document provides information on the outcome of MSC 72 which is relevant to the work of the Committee.
<i>Action to be taken:</i>	Paragraph 22
<i>Related documents:</i>	MSC 72/23

INTRODUCTION

1 The seventy-second session of the Maritime Safety Committee (MSC 72) was held from 17 to 26 May 2000 and the report of the session has been issued under the symbol MSC 72/23.

2 The matters of interest to the Committee relating to **Erika**, the role of the human element and formal safety assessment are reported under items 7 and 13 respectively, the other matters of interest to the Committee are summarized in the following paragraphs.

OUTCOME OF FAL 27 AND THE CONCURRENT SESSION OF THE SPI WORKING GROUP

Harmonization of ships' certificates

3 MSC 72 agreed with the views of the MEPC 44 in relation to FAL's work on harmonization of ships' certificates.

List of certificates carried on board ships

4 MSC 72, noting that MEPC 44 had approved the draft FAL/MSC/MEPC circular on the Revised list of certificates and documents required to be carried on board ships (MSC 72/2/2/Add.1, paragraph 7) and having observed that the list was not for port State control purposes, endorsed it (MSC 72/2/3, annex 2), as amended to identify which certificates and documents are mandatory and those which are not mandatory, and instructed the Secretariat to issue it as FAL/Circ.90 - MSC/Circ.946 - MEPC/Circ.368.

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Training and education of port marine personnel

5 MSC 72 noted that MEPC 44 had not concurred with the FAL Committee's intended action to develop guidelines on training of port marine personnel. However, having considered the issue at some length, MSC 72 concurred with the FAL Committee's view on the necessity of such guidelines and instructed the SPI Working Group to consider the matter in detail and submit a more definite proposal to MSC 73. The possibility of involving the STW Sub-Committee and international organizations such as UNCTAD, ILO and IAPH should be explored.

Availability of tug assistance

6 MSC 72 considered how the SPI Working Group should proceed on the issue of availability of tug assistance, especially regarding the usefulness of the development of a compendium on assessment methods for adequate tug assistance in ports, and agreed that, before proceeding with any work on such a compendium, the SPI Working Group should study, in detail, the Nautical Institute's publication entitled "Tug use in ports - a Practical Guide", as well as any comments and proposals submitted by Member Governments and international organizations, and provide its advice to MSC for consideration and appropriate action.

FLAG STATE IMPLEMENTATION

Self-assessment of flag State performance

7 MSC 72 considered the request of FSI 8 for instructions on the use of the Self-Assessment Form (SAF) database to be maintained by the Secretariat and for an interpretation of operative paragraph 5 of resolution A.881(21) on Self-assessment of flag State performance, which, *inter alia*, "invites Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments".

8 Following comments by several delegations, the delegation of the United Kingdom, supported by the delegations of Australia and the Bahamas, while agreeing with the use of the information in the database, proposed deferring consideration of the matter to MSC 73 to enable the MSC to further consider how to ensure that accurate conclusions are drawn from the analysis; and the delegation of the United States offered to provide MSC 73 with more details of the database they had presented to FSI 8 to enable the MSC to direct the FSI Sub-Committee appropriately.

Illegal, unregulated and unreported (IUU) fishing

9 As requested by FSI 8, MSC 72 considered whether to include IUU fishing issues in the FSI Sub-Committee's work programme and, if so, to the formation of a joint FAO/IMO *ad hoc* Working Group, agreed to the establishment of such a joint *ad hoc* working group on IUU fishing and related matters with agreed terms of reference.

10 Taking into account resolution A.103(IV) on Arrangements with FAO and ILO, MSC 72 agreed that IMO should be represented at the *ad hoc* joint group by the Governments of Argentina, Canada, China, Denmark, Liberia, Panama, the Republic of Korea and Turkey. MSC 72 noted that participation of the IMO Members in the work of the joint group would not have any financial implications for the Organization.

Harmonized reporting procedures

11 MSC 72 approved amendments to the text of MSC/Circ.827 - MEPC/Circ.333 - Harmonized reporting procedures, regarding the terms “seaworthy” and “unseaworthy”, as set out in annex 5 to the report of FSI 8 (FSI 8/19), and instructed the Secretariat to include the amendments in the revision of the circular.

Outcome of the 7th session of the UN Commission on Sustainable Development (CSD 7)

12 MSC 72 considered document MSC 72/7/2 by Australia, Canada, France, Poland, Portugal, Singapore, the United Kingdom and the European Commission, requesting the acceptance of the invitation by CSD 7 for IMO to develop binding measures to ensure that ships of all flag States meet international rules and standards so as to give full and complete effect to UNCLOS, as well as to the provisions of relevant IMO Conventions. The document invited the MSC to instruct the FSI Sub-Committee to consider the development of such measures in a binding form, determine the form such an instrument should take and how it would relate to applicable international law and relevant IMO instruments.

13 After considerable discussion, MSC 72, recognizing that the FSI Sub-Committee would need policy guidance and clear instructions from MSC on the request by CSD 7, agreed, due to shortage of time at the session, to consider the matter further at MSC 73, when a decision would be made as to whether further action would be required in the context of document MSC 72/7/2.

BULK LIQUIDS AND GASES

Proposed amendments to the IBC, IGC, BCH and GC Codes

14 MSC 72 approved, with a view to adoption by MSC 73, draft amendments to:

- .1 chapter 15 of the IBC Code regarding the carriage of carbon disulphide;
- .2 the IBC, IGC, BCH and GC Codes resulting from the revision of the Medical First Aid Guide; and
- .3 the IBC, IGC, BCH and GC Codes regarding hose requirements,

noting that the draft amendments to the IBC and BCH Codes had already been approved by MEPC 43 for adoption by MEPC 45. Having agreed that the approved proposed draft amendments should be adopted as part of the 2002 amendments to the Codes concerned, MSC 72 requested the Secretary-General to circulate them in time for adoption by MSC 73.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

Adoption of Amendment 30 to the IMDG Code

15 MSC 72 adopted Amendment 30 to the IMDG Code for entry into force on 1 January 2001, with a twelve-month transitional period until 31 December 2001.

Mandatory application of the IMDG Code

16 MSC 72 recalled that, at MSC 71, after a lengthy discussion on the possible mandatory status of the IMDG Code and on various options for a suitable amendment procedure, decided

that, before a final decision could be taken as to the mandatory status of the IMDG Code and the amendment procedure to be followed, it would be necessary that the complete text of the reformatted IMDG Code be finalized and the DSC Sub-Committee's advice, as to which parts thereof should become mandatory, be available.

17 In this context, MSC 72 noted that, based on proposals by its Editorial and Technical (E&T) Group, the DSC Sub-Committee had recommended that all parts of the IMDG Code should be mandatory, except for those specified in paragraph 3.80 of document DSC 5/13.

18 MSC 72, recognizing that the issue of the mandatory application of the IMDG Code would necessitate an in-depth consideration, agreed, owing to time constraints at MSC 72, to defer consideration of the issue, together with documents MSC 72/11/1 (Netherlands) and MSC 72/11/3 and MSC 72/11/4 (Cyprus), to MSC 73.

Safety aspects of ballast water management- Cargo related matters

19 MSC 72, having noted the discussion at the DSC Sub-Committee about the possible consequences and potential hazards involved in exchanging ballast water at sea and the possible extension of the Cargo Security Manual to include the relevant conditions in accordance with the ballast water exchange management plan, endorsed the DSC Sub-Committee's action to defer consideration of the matter to its next session taking into account the development of the draft Code on ballast water management.

APPLICATION OF THE COMMITTEES' GUIDELINES AND MANAGEMENT OF MEPC'S WORKLOAD

20 Owing to lack of time, MSC 72 decided to defer consideration of this issue to MSC 73.

RECYCLING OF SHIPS

21 Owing to lack of time, MSC 72 decided to defer consideration of these two issues to MSC 73.

ACTION REQUESTED OF THE COMMITTEE

22 The Committee is invited to note the above information and take action as appropriate.
